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Burke,Cat03,Termed

**U.S. District Court  
NORTHERN DISTRICT OF OHIO (Akron)  
CIVIL DOCKET FOR CASE #: 5:16-cv-00059-BYP**

New Doe Child #1 et al v. Congress of the United States of America et al

Assigned to: Judge Benita Y. Pearson

Case in other court: 6th Circuit, 16-04345

Cause: 42:1983 Civil Rights Act

Date Filed: 01/11/2016

Date Terminated: 11/30/2016

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**New Doe Child #1**

represented by **Michael A. Newdow**  
2985 Lakeshore Blvd.  
Upper Lake, CA 95485  
626-532-7694  
Email: NewdowLaw@gmail.com  
*ATTORNEY TO BE NOTICED*

**Thomas M. Horwitz**  
Law Office of Thomas M. Horwitz  
Ste. 201  
21380 Lorain Road  
Fairview Park, OH 44126  
216-230-9400  
Fax: 440-848-8501  
Email: tmh@horwitzlpa.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**New Doe Child #2**

represented by **Michael A. Newdow**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Thomas M. Horwitz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**New Doe Parent**

represented by **Michael A. Newdow**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Thomas M. Horwitz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

01/11/2016	<u>1</u>	<b>Complaint</b> against All Defendants. Filing fee paid \$ 400, Receipt number 0647-7431283. Filed by Dennis Rosenblum, Nancy Dollard, Loren Miller, New Poe Child, Tracey Martin, Holly Huber, New Doe Child #2, New Doe Child #1, Mitchell Kahle, Derek Rose, New Hoe Parent #2, Mark Petricca, Devin Kuchnya, Beverly Shapiro, Michael Martinez, Marni Huebner-Tiborsky, New Hoe Child #2, Larry Knight, New Coe Parent, George Shiffer, Salvatore Salerno, New Boe Child, Martin Maier, Michigan Atheists, New Hoe Child #1, Michael Howard, Ron Thomas, New Roe Parent, Stuart Chisolm, New Doe Parent, Jessica McQuarter, New Coe Child, Adam Clayman, New Boe Parent, New Hoe Parent #1, New Poe Parent, Sarah Maxwell, New Roe Child #1, Joseph Milon, Susan Carrier, Bernard Klein, Northern Ohio Freethought Society, New Roe Child #2. (Attachments: # <u>1</u> Appendix Exhibits to Complaint) (Horwitz, Thomas) (Entered: 01/11/2016)
01/11/2016	<u>2</u>	Civil Cover Sheet and Summons to <u>1</u> Complaint filed by all Plaintiffs. (Attachments: # <u>1</u> Summons to Congress, # <u>2</u> Summons to US, # <u>3</u> Summons to Treasury, # <u>4</u> Summons to Mint, # <u>5</u> Summons to BEP)(Horwitz, Thomas) Modified text on 1/12/2016 (M,TL). (Entered: 01/11/2016)
01/12/2016		Judge Benita Y. Pearson assigned to case. (M,TL) (Entered: 01/12/2016)
01/12/2016		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Kathleen B. Burke. (M,TL) (Entered: 01/12/2016)
01/12/2016	<u>3</u>	Original Summons and Magistrate Consent Form issued for service upon Congress of the United States of America, U.S. Bureau of Engraving and Printing, U.S. Department of Treasury, U.S. Mint, United States of America. (Attachments: # <u>1</u> Magistrate Consent Form) (M,TL) (Entered: 01/12/2016)
01/12/2016		Remark by Clerk re Service Upon U.S. Government Defendant. If a U.S. Government agency or officer is sued, you must provide summons for that defendant, for the U.S. Attorney General (Department of Justice, Washington, D.C. 20044) and the U.S. Attorney for the Northern District of Ohio (801 West Superior Avenue, Suite 400, Cleveland, OH 44113-1852). (M,TL) (Entered: 01/12/2016)
01/12/2016	<u>4</u>	Praeipice for issuance of Original Summons <i>to US Attorney General</i> . filed by All Plaintiffs. Related document(s) <u>1</u> ,. (Attachments: # <u>1</u> Summons to US Attorney General)(Horwitz, Thomas) (Entered: 01/12/2016)
01/12/2016	<u>5</u>	<b>Motion</b> for attorney Michael A. Newdow to Appear Pro Hac Vice. Filing fee \$ 120, receipt number 0647-7432711, filed by New Boe Child, New Boe Parent, Susan Carrier, Stuart Chisolm, Adam Clayman, New Coe Child, New Coe Parent, New Doe Child #1, New Doe Child #2, New Doe Parent, Nancy Dollard, New Hoe Child #1, New Hoe Child #2, New Hoe Parent #1, New Hoe Parent #2, Michael Howard, Holly Huber, Marni Huebner-Tiborsky, Mitchell Kahle, Bernard Klein, Larry Knight, Devin Kuchnya, Martin Maier, Tracey Martin, Michael Martinez, Sarah Maxwell, Jessica McQuarter, Michigan Atheists, Loren Miller, Joseph Milon, Northern Ohio Freethought Society, Mark Petricca, New Poe Child, New Poe Parent, New Roe Child #1, New Roe Child #2, New Roe Parent, Derek Rose, Dennis Rosenblum, Salvatore Salerno, Beverly Shapiro, George Shiffer, Ron Thomas. (Horwitz, Thomas) Modified on 1/12/2016. Attachments: Declaration & Certificate of Good Standing (G,CA). (Entered: 01/12/2016)
01/14/2016	<u>6</u>	Original Summons issued to counsel for service upon US Attorney General. (S,L) (Entered: 01/14/2016)
01/20/2016	<u>7</u>	<b>Order</b> granting Motion for Appearance <i>Pro Hac Vice</i> by Attorney Michael A. Newdow for Plaintiffs. Local Rule 5.1(c) requires that attorneys register for CM/ECF and file and receive all documents electronically. The CM/ECF registration form can be found at

		www.ohnd.uscourts.gov under Forms. (Related Doc # <u>5</u> ). Judge Benita Y. Pearson on 1/20/2016. (JLG) (Entered: 01/20/2016)
02/29/2016	<u>8</u>	<b>Amended complaint</b> against All Defendants. Filed by all Plaintiffs. (Attachments: # <u>1</u> Appendix App A: Congress's 1830 Mail Deliv Report, # <u>2</u> Appendix App B: Justice Strong's 1873 stmt, # <u>3</u> Appendix App C: Cong Record circa 1955, # <u>4</u> Appendix App D: Cong Record excerpts, # <u>5</u> Appendix App E: Survey showing endorsement, # <u>6</u> Appendix App F: Letters from child plaintiffs, # <u>7</u> Appendix App G: SCOTUS mentions of the IGWT motto) (Newdow, Michael) (Entered: 02/29/2016)
05/10/2016	<u>9</u>	<b>Motion</b> to dismiss for failure to state a claim filed by Congress of the United States of America, U.S. Bureau of Engraving and Printing, U.S. Department of Treasury, U.S. Mint, United States of America. (Grogg, Adam) (Entered: 05/10/2016)
05/10/2016	<u>10</u>	Stipulated Notice of Dismissal Under FRCP 41(a)(1) <i>as to Defendant the Congress of the United States of America</i> filed by All Defendants. (Grogg, Adam) (Entered: 05/10/2016)
05/17/2016	<u>11</u>	<b>Motion</b> for leave to <i>File Brief of The American Legion as Amicus Curiae in Support of Defendants Motion to Dismiss</i> filed by Amicus Curiae The American Legion. Related document(s) <u>9</u> . (Tryon, David) (Entered: 05/17/2016)
05/17/2016	<u>12</u>	<b>Motion</b> for attorney Justin E. Butterfield to Appear Pro Hac Vice. Filing fee \$ 120, receipt number 0647-7624385, filed by Amicus Curiae The American Legion. (Tryon, David) (Entered: 05/17/2016)
05/17/2016	<u>13</u>	<b>Motion</b> for attorney Kelly J. Shackelford to Appear Pro Hac Vice. Filing fee \$ 120, receipt number 0647-7624404, filed by Amicus Curiae The American Legion. (Tryon, David) (Entered: 05/17/2016)
05/23/2016	<u>14</u>	<b>Case Management Conference Scheduling Order</b> with Telephonic Case Management Conference to be held on 6/27/2016 at 1:30 p.m. before Judge Benita Y. Pearson. Counsel for Plaintiffs shall set up the conference call and contact Chambers directly at 330-884-7435, with all participants on the line. Judge Benita Y. Pearson on 5/23/2016. (Attachments: # <u>1</u> Attachment No. 1, # <u>2</u> Attachment No. 2, # <u>3</u> Attachment No. 3, # <u>4</u> Attachment No. 4) (JLG) (Entered: 05/23/2016)
05/23/2016	<u>15</u>	<b>Order</b> granting Motions for Appearance <i>Pro Hac Vice</i> by Attorneys Justin E. Butterfield and Kelly J. Shackelford for Amicus Curiae The American Legion. Local Rule 5.1(c) requires that attorneys register for CM/ECF and file and receive all documents electronically. The CM/ECF registration form can be found at www.ohnd.uscourts.gov under Forms. (Related Doc # <u>12</u> , <u>13</u> . Judge Benita Y. Pearson on 5/23/2016. (JLG) (Entered: 05/23/2016)
05/23/2016	<u>16</u>	<b>Marginal Order</b> approving <u>10</u> Stipulated Notice of Dismissal as to Defendant Congress of the United States of America. Judge Benita Y. Pearson on 5/23/2016. (JLG) (Entered: 05/23/2016)
05/23/2016	<u>17</u>	<b>Order</b> granting <u>11</u> Motion for Leave to File Brief of The American Legion as Amicus Curiae. Plaintiffs may respond in a memorandum not exceeding 15 pages and submitted not later than 6/16/2016. Judge Benita Y. Pearson on 5/23/2016. (JLG) (Entered: 05/23/2016)
05/25/2016	<u>18</u>	Joint <b>Motion</b> to continue Telephonic Case Management Conference and Related Deadlines filed by Congress of the United States of America, U.S. Bureau of Engraving and Printing, U.S. Department of Treasury, U.S. Mint, United States of America. Related document(s) <u>14</u> . (Grogg, Adam) (Entered: 05/25/2016)

10/20/25, 9:27 AM

Northern District of Ohio

05/27/2016	<u>19</u>	Brief of <i>The American Legion as Amicus Curiae in Support of Defendants</i> filed by The American Legion. Related document(s) <u>11</u> , <u>17</u> . (Tryon, David) (Entered: 05/27/2016)
06/01/2016	<u>20</u>	FILING ERROR per Attorney Newdow 6/1/2016 <b>Motion</b> for extension of Filing of Plaintiffs' Response to Defendants' Motion to Dismiss until 06/13/2016 filed by New Boe Child, New Boe Parent, Susan Carrier, Stuart Chisolm, Adam Clayman, New Coe Child, New Coe Parent, New Doe Child #1, New Doe Child #2, New Doe Parent, Nancy Dollard, New Hoe Child #1, New Hoe Child #2, New Hoe Parent #1, New Hoe Parent #2, Michael Howard, Holly Huber, Marni Huebner-Tiborsky, Mitchell Kahle, Bernard Klein, Larry Knight, Devin Kuchnya, Martin Maier, Tracey Martin, Michael Martinez, Sarah Maxwell, Jessica McQuarter, Michigan Atheists, Loren Miller, Joseph Milon, Northern Ohio Freethought Society, Mark Petricca, New Poe Child, New Poe Parent, New Roe Child #1, New Roe Child #2, New Roe Parent, Derek Rose, Dennis Rosenblum, Salvatore Salerno, Beverly Shapiro, George Shiffer, Ron Thomas. Related document(s) <u>9</u> . (Newdow, Michael) Modified text and termed motion event on 6/1/2016 (JLG). (Entered: 06/01/2016)
06/02/2016		<b>Order</b> [non-document ] denying <u>18</u> Joint Motion to Continue Telephonic Case Management Conference and Related Deadlines. The Telephonic Case Management Conference set for 6/27/2016 at 1:30 p.m. shall be limited to attorneys only. Counsel for Plaintiffs shall set up the conference call and contact Chambers directly at 330-884-7435, with all participants on the line. Judge Benita Y. Pearson on 6/2/2016. (JLG) (Entered: 06/02/2016)
06/13/2016	<u>21</u>	<b>Motion</b> for attorney Jay Alan Sekulow to Appear Pro Hac Vice. Filing fee \$ 120, receipt number 0647-7665751, filed by Amicus Curiae American Center for Law and Justice. (Attachments: # <u>1</u> Declaration, # <u>2</u> Affidavit)(McLaughlin, Patrick) Modified exhibit text on 6/13/2016 (G,CA). (Entered: 06/13/2016)
06/13/2016	<u>22</u>	<b>Motion</b> for attorney Laura B. Hernandez to Appear Pro Hac Vice. Filing fee \$ 120, receipt number 0647-7665816, filed by Amicus Curiae American Center for Law and Justice. (Attachments: # <u>1</u> Declaration, # <u>2</u> Affidavit)(McLaughlin, Patrick) Modified exhibit text on 6/13/2016 (G,CA). (Entered: 06/13/2016)
06/13/2016	<u>23</u>	<b>Motion</b> for attorney Cecilia Noland-Heil to Appear Pro Hac Vice. Filing fee \$ 120, receipt number 0647-7665824, filed by Amicus Curiae American Center for Law and Justice. (Attachments: # <u>1</u> Declaration, # <u>2</u> Affidavit)(McLaughlin, Patrick) Modified exhibit text on 6/13/2016 (G,CA). (Entered: 06/13/2016)
06/13/2016	<u>24</u>	<b>Motion</b> for leave to file a brief as <i>Amici Curiae in support of Defendants Motion to Dismiss</i> filed by Amicus Curiae American Center for Law and Justice. (McLaughlin, Patrick) (Entered: 06/13/2016)
06/13/2016	<u>25</u>	<b>Motion</b> for extension of time until 6/15/2016 to file Opposition to Motion to Dismiss by New Boe Child, New Boe Parent, Susan Carrier, Stuart Chisolm, Adam Clayman, New Coe Child, New Coe Parent, New Doe Child #1, New Doe Child #2, New Doe Parent, Nancy Dollard, New Hoe Child #1, New Hoe Child #2, New Hoe Parent #1, New Hoe Parent #2, Michael Howard, Holly Huber, Marni Huebner-Tiborsky, Mitchell Kahle, Bernard Klein, Larry Knight, Devin Kuchnya, Martin Maier, Tracey Martin, Michael Martinez, Sarah Maxwell, Jessica McQuarter, Michigan Atheists, Loren Miller, Joseph Milon, Northern Ohio Freethought Society, Mark Petricca, New Poe Child, New Poe Parent, New Roe Child #1, New Roe Child #2, New Roe Parent, Derek Rose, Dennis Rosenblum, Salvatore Salerno, Beverly Shapiro, George Shiffer, Ron Thomas. Related document(s) <u>9</u> . (Newdow, Michael) (Entered: 06/13/2016)
06/13/2016		<b>Order</b> [non-document] granting <u>25</u> Motion for Extension of Time to File Opposition to Motion to Dismiss until 6/15/2016. Judge Benita Y. Pearson on 6/13/2016. (JLG) (Entered: 06/13/2016)



06/13/2016	<u>26</u>	<b>Order</b> granting Motions for Appearance <i>Pro Hac Vice</i> by Attorneys Jay Alan Sekulow, Laura B. Hernandez and Cecilia Noland-Heil for Amicus Curiae American Center for Law and Justice. Local Rule 5.1(c) requires that attorneys register for CM/ECF and file and receive all documents electronically. The CM/ECF registration form can be found at www.ohnd.uscourts.gov under Forms. (Related Doc # <u>21</u> , <u>22</u> , <u>23</u> ). Judge Benita Y. Pearson on 6/13/2016. (JLG) (Entered: 06/13/2016)
06/14/2016	<u>27</u>	Joint Report of Parties' Planning Meeting , parties do not consent to this case being assigned to the magistrate judge, filed by All Defendants. (Grogg, Adam) (Entered: 06/14/2016)
06/14/2016	<u>28</u>	Consent <b>Motion</b> for extension of time until an additional 60 days to answer amended complaint filed by Congress of the United States of America, U.S. Bureau of Engraving and Printing, U.S. Department of Treasury, U.S. Mint, United States of America. (Grogg, Adam) (Entered: 06/14/2016)
06/15/2016	<u>29</u>	<b>Order</b> denying <u>28</u> Motion for Extension of Time to Answer Amended Complaint. Defendants' answer is due within 21 days of this Order. Judge Benita Y. Pearson on 6/15/2016. (JLG) (Entered: 06/15/2016)
06/15/2016	<u>30</u>	<b>Opposition</b> to <u>9</u> <b>Motion</b> to dismiss for failure to state a claim filed by All Plaintiffs. (Newdow, Michael) (Entered: 06/15/2016)
06/20/2016	<u>31</u>	<b>Motion</b> to amend (replace) Plaintiffs' opposition to Defendants' motion to dismiss filed by All Plaintiffs. Related document(s) <u>30</u> . (Attachments: # <u>1</u> Proposed Opposition to Defendants' Motion to Dismiss)(Newdow, Michael) Modified event and text on 6/28/2016 (S,L). Attorney Newdow advises that page 26 of <u>31</u> -1 was included in this filing in error. Modified text on 6/29/2016 (JLG). (Entered: 06/20/2016)
06/27/2016	<u>32</u>	Attorney Appearance by Lisa Hammond Johnson filed by on behalf of U.S. Bureau of Engraving and Printing, U.S. Department of Treasury, U.S. Mint, United States of America. (Johnson, Lisa) (Entered: 06/27/2016)
06/27/2016	<u>33</u>	Attorney Appearance by David Augustin Ruiz filed by on behalf of U.S. Bureau of Engraving and Printing, U.S. Department of Treasury, U.S. Mint, United States of America. (Ruiz, David) (Entered: 06/27/2016)
06/27/2016		<b>Minutes of proceedings</b> [non-document] before Judge Benita Y. Pearson. Telephonic Case Management Conference held on 6/27/2016. Present were Attorney Michael A. Newdow as counsel for Plaintiffs; and Attorneys Adam A. Grogg, Bailey W. Heaps, and David A. Ruiz as counsel for Defendants. The Court revisited the parties' request to continue the time in which to file an answer. Defendants do not need to file an answer until after the Court has ruled on the pending Motion to Dismiss. The Court will also delay issuing a Case Management Conference Plan/Order until after the ruling on the Motion to Dismiss. In a separate Order, the Court will grant <u>24</u> Motion for Leave to File a Brief as Amici Curiae filed by Amicus Curiae American Center for Law and Justice, and set a briefing schedule for Plaintiffs' response. (Court Reporter: None); Time: 30 Minutes. (JLG) (Entered: 06/28/2016)
06/28/2016	<u>34</u>	<b>Order</b> granting <u>24</u> Motion for leave to file a brief as Amici Curiae in support of Defendants' Motion to Dismiss filed by Amicus Curiae American Center for Law and Justice. Plaintiffs may respond in a memorandum not exceeding 15 pages and submitted not later than 7/27/2016. Judge Benita Y. Pearson on 6/28/2016. (JLG) (Entered: 06/28/2016)
06/29/2016	<u>35</u>	Amicus Brief filed by American Center for Law and Justice. Related document(s) <u>34</u> . (Peseski, William) (Entered: 06/29/2016)

06/29/2016	<u>36</u>	<b>Opposition</b> to <u>2</u> <b>Motion</b> to dismiss for failure to state a claim - <i>re-captioned (and filed with leave of the Court)</i> - filed by All Plaintiffs. (Newdow, Michael) (Entered: 06/29/2016)
07/05/2016	<u>37</u>	<b>Reply</b> in support of <u>2</u> <b>Motion</b> to dismiss for failure to state a claim filed by All Defendants. (Grogg, Adam) (Entered: 07/05/2016)
07/12/2016		<b>Order</b> [non-document] granting <u>31</u> Motion to Amend (Replace) Plaintiffs' Opposition to Defendants' Motion to Dismiss. Leave was given as mentioned in ECF No. <u>36</u> . Judge Benita Y. Pearson on 7/12/2016. (JLG) (Entered: 07/12/2016)
07/27/2016	<u>38</u>	<b>Opposition</b> to <u>24</u> <b>Motion</b> for leave to file a brief as <i>Amici Curiae</i> in support of Defendants' Motion to Dismiss pursuant to ECF No. 34 filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A Am Council for the Blind v. Lew Supplemental Status Report)(Newdow, Michael) Modified exhibit description on 8/18/2016 (H,SN). (Entered: 07/27/2016)
11/30/2016	<u>39</u>	<b>Memorandum of Opinion and Order</b> For the reasons set forth herein, Defendants' Motion to Dismiss, ECF No. <u>2</u> , is granted. Judge Benita Y. Pearson on 11/30/2016. (JLG) (Entered: 11/30/2016)
11/30/2016	<u>40</u>	<b>Judgment Entry</b> This Court, having filed its Memorandum of Opinion and Order, hereby dismisses the Amended Complaint (ECF No. <u>8</u> ). This Judgment Entry constitutes entry of judgment pursuant to Fed. R. Civ. P. 58. Final. Judge Benita Y. Pearson on 11/30/2016. (JLG) (Entered: 11/30/2016)
11/30/2016	<u>41</u>	<b>NOTICE OF APPEAL</b> to the Sixth Circuit Court of Appeals from the <u>39</u> Memorandum of Opinion and Order and <u>40</u> Judgment Entry of 11/30/16, filed by New Boe Child, New Boe Parent, Susan Carrier, Stuart Chisolm, Adam Clayman, New Coe Child, New Coe Parent, New Doe Child #1, New Doe Child #2, New Doe Parent, Nancy Dollard, New Hoe Child #1, New Hoe Child #2, New Hoe Parent #1, New Hoe Parent #2, Michael Howard, Holly Huber, Marni Huebner-Tiborsky, Mitchell Kahle, Bernard Klein, Larry Knight, Devin Kuchnya, Martin Maier, Tracey Martin, Michael Martinez, Sarah Maxwell, Jessica McQuarter, Michigan Atheists, Loren Miller, Joseph Milon, Northern Ohio Freethought Society, Mark Petricca, New Poe Child, New Poe Parent, New Roe Child #1, New Roe Child #2, New Roe Parent, Derek Rose, Dennis Rosenblum, Salvatore Salerno, Beverly Shapiro, George Shiffer, Ron Thomas. (Filing fee \$505 paid, receipt number 0647-7921172) (Newdow, Michael). Modified text on 12/1/2016 (H,SP). (Entered: 11/30/2016)
12/07/2016		Acknowledgment from the USCA for Sixth Circuit of receipt of <u>41</u> Notice of Appeal (USCA# 16-4345). Date filed in USCA 12/1/16. (H,SP) (Entered: 12/07/2016)
09/11/2017	<u>42</u>	Notice of Substitution of Counsel removing attorney <i>Adam Grogg</i> and adding attorney Kari E. D'Ottavio filed by on behalf of All Defendants. (D'Ottavio, Kari) (Entered: 09/11/2017)
08/20/2018	<u>44</u>	True copy of mandate from the USCA for the Sixth Circuit: Affirming the District Court's dismissal re <u>41</u> Notice of Appeal (USCA# 16-4345). Date issued as mandate 8/17/18, Costs: None (H,SP) (Entered: 08/20/2018)

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